

### REMARKS

This responds to the Office Action dated April 7, 2006. Applicant respectfully incorporates by reference the comments previously presented in their entirety. It is believed that the amendments made in the Amendment Pursuant to 37 C.F.R. § 41.50 certified to May 3, 2005 are adequate to overcome the art of record. The Remarks in the previous responses are incorporated by reference in their entirety for response in this request for reconsideration.

In the Amendment Pursuant to 37 C.F.R. § 41.50, claim 13 was amended to include providing a flowable material from a source into the port portion in fluid communication with the expandable element, and at a location separate from the expandable element, so as to expand the expandable element to at least partially restrict the body lumen, as recited in the current version of claim 13 (added language underlined for emphasis). This amendment is believed to be consonant with the remarks made in the Decision, for example at page 7. Reconsideration and allowance are respectfully requested.

Additionally, in the Amendment Pursuant to 37 C.F.R. § 41.50, claim 28 was amended to include providing a flowable material at the rearward end from a source [into] directly to the port portion, so as to expand the expandable element to at least partially restrict the body lumen, as recited in the current version of claim 28 (added language underlined and deleted language in brackets for emphasis). This amendment is believed to be consonant with the remarks made in the Decision, for example at page 7. Reconsideration and allowance are respectfully requested.

The responses to the rejections remain the same as in the previous Response Under 37 C.F.R. § 1.116, certified to Jan. 16, 2006, and are hereby repeated by incorporation by reference.

Reconsideration and allowance of the pending claims are respectfully requested.

# **CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOHN H. BURTON ET AL.

By their Representatives,

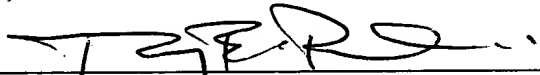
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

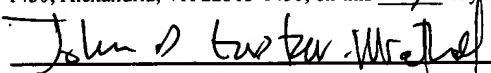
Minneapolis, MN 55402

(612) 373-6912

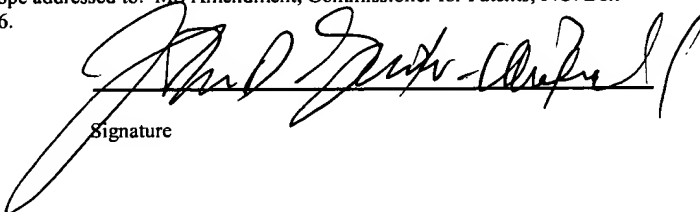
Date July 7, 2006

By   
Timothy E. Bianchi  
Reg. No. 39,610

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of July, 2006.



Name

  
Signature